

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LISA PURTUE,

Plaintiff,

v.

Case No. 18CV204

STATE OF WISCONSIN DEPARTMENT
OF CORRECTIONS, SHAWNA
UECKER, CHERYL EPLETT, WILLIAM
POLLARD, JIM SCHWOCHERT, MARC
CLEMENTS, KELLI BROWN, KARI
BEIER, TONJA HESSELBERG, WINN
COLLINS, MAKDA FESSAHAYE, AND
CATHY JESS,

Defendants.

DECLARATION OF KELLI BROWN

I, **Kelli Brown**, declare pursuant to 28 U.S.C. § 1746 and under the penalty of perjury, that the following is true and correct.

1. I make this declaration based upon my personal knowledge and my review of the regularly maintained business records in possession of the Wisconsin Department of Corrections (Corrections).

2. I was hired by Corrections in 1995. I became the Human Resources (HR) Coordinator for Corrections' Division of Adult Institutions (DAI) in 2004 and then promoted to an Employment Relations Program Specialist in 2012. Since 2014, I have served as the Employment Relations Program Coordinator (now re-classified as HR

Program Officer for Employment Relations).

3. The Employment Relations (ER) office is consulted by the appointing authority and HR Director upon completion of an investigation into employee misconduct, to determine whether work rules have been violated. If a work rule has been violated, the process continues. After completion of the pre-disciplinary meeting, ER, the appointing authority, and the HR Director discuss whether disciplinary action is warranted and at what level.

4. The ER office always receives a copy of the investigation and exhibits and provides a recommendation. In cases that involve a skip in progressive discipline or termination, the ER office also prepares a memorandum summarizing the investigation and obtains disciplinary comparators. On or around May 10, 2016, I (or a member of ER staff) met with HR Director Uecker and Warden Pollard and advised them the ER office supported a skip to termination for falsifying documents.

5. In 2016, all terminations were to be reviewed by DAI Administration. On May 11, 2016, I signed the Disciplinary Action Routing Slip. The entire investigation packet and exhibits, routing slip, summary, and comparators were then forwarded to Deputy Administrator Marc Clements and Administrator Jim Schwochert for review. Schwochert and Clements supported termination and signed the routing slip. (Ex. 505.)

6. The decision to terminate a permanent employee is reviewed by the Management Advisory Team (MAT.) The MAT was made up of Employment Relations, Office of Diversity Equality Services (ODES), Bureau of Personnel and

Human Resources (BPHR) Director, and Office of Legal Counsel (OLC). I prepared the MAT meeting agenda and added the Purtue termination as an agenda item to be considered on May 12, 2016. (Ex. 505.)

7. The MAT members were provided with a copy of the investigation summary and comparators. During the meeting, there is a discussion of the facts, comparators, and recommendation. The MAT can agree or disagree with the recommendation. I have been in many meetings where the MAT will either recommend an escalation or determine that the recommendation is excessive.

8. In Purtue's case, MAT agreed with termination based on the egregious facts. (Ex. 505.)

9. Terminations also need to be reviewed by the ODES Director and BHR Director. ODES Director Tonja Hesselberg and BHR Director Kari Beier attended the May 12, 2016 meeting. Both signed off on the termination decision following the May 12, 2016 meeting. (Ex. 505.)

10. In 2016, all terminations from state service were reviewed by the DOC Secretary's office. The investigation packet and exhibits, routing slip, summary, and comparators were forwarded to Cathy Jess, the Deputy Secretary. Jess supported termination. (Ex. 505.)

11. The entire investigation packet was returned to me and I advised Uecker and Pollard that the termination had been approved. I then reviewed and approved the termination letter. (*See* Uecker Decl. Ex. 500; Ex. 505; *See* Beier Decl. Ex. 506.)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2019.

s/ Kelli Brown
Kelli Brown